

Minutes of the Planning Commission meeting held on Thursday, April 1, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair  
Sheri Van Bibber, Vice-Chair  
Tim Taylor  
Jeff Evans  
Karen Daniels  
Sheri Van Bibber  
Kurtis Aoki  
Ray Christensen, City Planner  
Tim Tingey, Community & Economic Development Director  
G.L. Critchfield  
Citizens

Excused: Ray Black

Mr. Harland opened the meeting and welcomed those present.

#### APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes as written from March 4, 2010. Seconded by Kurtis Aoki.

A voice vote was made. The minutes were approved unanimously, 6-0.

#### CONFLICT OF INTEREST

Ms. Van Bibber stated that in regards to agenda item 7, she is acquainted with the applicant but believes she can make an unbiased vote. There were no other conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for Conditional Use Permits for Bill Winger and Lightning Forge. Seconded Karen Daniels.

A voice vote was made. The motion passed unanimously, 6-0.

#### LARRY MILLER TOYOTA – 5650, 5640, 5668, 5666 South State Street, 24, 40, 44, 88 East Wilson Avenue and 125 East 5600 South, Project #10-124

Trenton Jones was present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an auto dealership expansion. He stated that the building was previously used for a Chevrolet dealership and is changing to a Toyota dealership. He said that the proposal is to remodel the east and expand on the south and north sides of the building, and the east front of the building will have a new showroom. The north addition will be used for three lube bays and the south addition will be used for auto detailing bays, reconditioning bays and car wash. Mr. Christensen stated that there is an existing service building on the southwest corner of the property. He said that some landscaping upgrades will be required and presented

the landscape plan, pointing out that a 5 foot depth of landscaping is required to be installed at the northwest side of the property adjoining the parking stalls and perimeter of the property. He stated that the plans show a total of 696 parking stalls on the site, which includes 48 new parking spaces. He said that there needs to be a minimum of 8 disabled person parking spaces. Staff is recommending approval of the conditional use permit application.

Trenton Jones with FFKR Architects stated that he represents the Larry H. Miller group on this project. He stated that he has reviewed the staff report and will meet the conditions recommended by staff. Mr. Jones stated that the remodel to the front of the building for the showroom will replace the existing showroom. Karen Daniels asked about the setbacks and asked if the new building will clear the boundary as noted in the staff report. Mr. Jones stated that on the southeast corner of the site there are a few parcels that are part of the existing parking lot and will be covered by the new building. He said that there will be a new plat done for that area to combine all of the parcels into one, which will resolve the issue of the boundary.

There were no comments from the public pertaining to this item.

Kurtis Aoki asked if it needs to be part of the motion that the parcels will be combined. Ms. Daniels stated that it is one of the conditions contained in the staff report.

Jeff Evans made a motion to approve the Conditional Use Permit for Larry H. Miller Toyota for a car dealership remodel and expansion, at the properties addressed 5640, 5668, 5666, 5650 South State Street, 125 East 5600 South, and 24, 40, 44, 88 East Wilson Avenue, subject to conditions:

1. The building official will require stamped and sealed plans by appropriate design professionals for code analysis. Provide a soils report from a geo-technical engineer when submitting for a building permit to accommodate the building addition. The owner must consolidate the property into one parcel.
2. The project shall meet all current fire codes as required by the Fire Department.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. With the building permit application, the site plan will need to be reviewed for the 5 ft. depth of landscaping which is required to be installed adjacent to the parking stalls at the northwest side of the property. The applicant will need to provide 10% of the site in landscaping to meet code. The car display pads will need to be moved back out of the 10 ft. depth to allow for landscaping and corner lot visibility areas.
4. The trash containers shall be screened as required by Section 17.76.170.
5. Meet all Water, Sewer and Power Department requirements for the project. The Power Department noted there is a possible power line relocation required.

6. Provide adequate paved and striped parking to meet the zoning ordinance regulations including 8 disabled person parking stalls to meet ADA regulations with signs posted.
7. The City Engineer noted drainage will have to be reviewed. Any damaged curb and gutter or sidewalk will need to be repaired.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Sheri Van Bibber  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Jeff Evans  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Kurtis Aoki

Motion passed, 6-0.

P & F RESTAURANT MANAGEMENT – 33 West 4500 South, Project #10-128

Troy Foote was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for a change of use from single family residential to a commercial office and an addition to a building in the R-N-B zone. He indicated that the site plan shows a total of 6 parking spaces, which meets the requirements. He stated that a variance was previously granted for a rear yard setback, and another recent variance was granted for a corner lot side yard setback. Mr. Tingey stated that staff has made recommendations for curb, gutter and sidewalk around the site. Based on the materials submitted and staff analysis, the staff is recommending approval of the Conditional Use Permit.

Troy Foote, 12564 Bear Park Place, Draper, stated that he has reviewed the staff report and will comply with the conditions.

There were no public comments related to this item.

Jeff Evans made a motion to approve the Conditional Use Permit for a change of use from single family residential to commercial office, and an addition to the building within an R-N-B zone, at the property addressed 33 West 4500 South for P & F Restaurant Management, subject to conditions:

1. The project shall meet all applicable building code standards.
2. Provide plans stamped and sealed by appropriate design professionals.
3. The project shall meet all current fire codes.
4. Meet all requirements of the R-N-B zoning district related to hours of

operation, noise, odors, etc.

5. A drainage plan is required for the parking area and driveway. The driveway shall be revised to meet the minimum commercial width of 25 feet.
6. Any damaged curb and gutter or sidewalk shall be repaired.
7. The water meter and service shall be upgraded from  $\frac{3}{4}$  inch to 1 inch in order to meet commercial standards.
8. Revise the plan to show sidewalk along the entire frontage of the property. Sidewalk shall be installed along all frontages prior to occupancy.
9. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester prior to approval of the building permit and installed as approved prior to occupancy. The plan shall show the required 10-foot landscaping along all frontages measured from back of sidewalk.
10. Revise the parking area as necessary to accommodate the required landscaping along the street frontage.
11. Any trash container shall be screened as required by Section 17.140.120.

Seconded by Kurtis Aoki.

Call vote recorded by Ray Christensen.

A ☐ Sheri Van Bibber  
A ☐ Karen Daniels  
A ☐ Jeff Evans  
A ☐ Jim Harland  
A ☐ Tim Taylor  
A ☐ Kurtis Aoki

Motion passed, 6-0.

WINTCH ACCESSORY DWELLING – 469 East Vine Street, Project #10-129

Brent and Nicole Wintch were present to represent this request. Ray Christensen reviewed the location and request for an accessory dwelling unit within the R-1-8 zone. He stated that a new house is being built on this property and that the proposed accessory dwelling unit will be located within the dwelling. He said that the applicant has received approval for a utility easement encroachment permit to move the house east onto the easement to create a 12 foot wide driveway on the west to access a proposed structure in the rear yard. Mr. Christensen said that the dwelling meets the setback requirements for this zone. He stated that the accessory dwelling unit will be located in

the southeast portion of the home and will have a kitchen. He said that the accessory dwelling will be accessed through the main dwelling and will be a total of 500 square feet. He stated that the size of the home and design standard are both within allowable standards for this zone. Staff is recommending approval of the Conditional Use Permit request.

Tim Taylor asked if an accessory dwelling unit is required to have a separate entrance. Mr. Christensen responded that it is not required to have a separate exterior entrance.

Brent Wintch, 469 East Vine Street, stated that he has reviewed the staff report related to his request and said that he will meet the conditions.

Sheri Van Bibber asked if they have obtained the necessary license to encroach on the easement. Mr. Wintch responded that they have.

Bill Ganz, 487 East Vine, stated that he lives a few houses to the east of this property. He said that he fully supports this project.

Tim Taylor made a motion to grant a Conditional Use Permit for an accessory dwelling unit at the property addressed 469 East Vine Street, subject to conditions:

1. The project shall meet all applicable building code standards and shall meet all current fire codes. Dwellings shall be separated from each other by wall and/or floor assemblies having not less than one hour fire resistive construction. See IRC sec. R317.1, R317.1.1, etc.
2. The applicant shall submit evidence that the property is their principal residence and shall submit an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to Community and Economic Development Staff.
3. No additional accessory dwelling units are approved for the site, and the proposed accessory structure located in the backyard area is not to be used for living space.
4. Separate utility meters shall not be allowed.
5. The property shall be landscaped to meet city code.
6. Meet all Murray Power, Water and Sewer Department requirements.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Sheri Van Bibber

A \_\_\_\_\_ Karen Daniels

A \_\_\_\_\_ Jeff Evans  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Kurtis Aoki

Motion passed, 6-0.

WOOLLEY SUBDIVISION – 331, 341, 347 East 5300 South, Project #10-126

Chad Woolley was the applicant present to represent this request. Tim Tingey reviewed the location and request for a preliminary subdivision review. He said that this is a 1.34 acre site located within the R-1-8 zone. He stated that there are three existing homes on the site, and one of them is going to be demolished to allow for construction of the subdivision. Mr. Tingey stated that the subdivision will be five lots. He said that the applicant has already received approval for some variances at this site related to lot width and a side yard setback on lot #2. He stated that staff and other city departments have reviewed the street for adequate turn around width. He stated that this will be an infill subdivision, which typically requires curb, gutter and sidewalk around the entire site, but the code allows exceptions as long as the subdivision has an internal pedestrian circulation system and that the elimination of sidewalks will not jeopardize public safety. Staff is recommending approval of this preliminary plan. Mr. Tingey stated that the final subdivision will be presented at a later date for a recommendation to the Mayor from the Planning Commission.

Jeff Evans asked about possible widening of 5300 South in the future, and how that would affect this subdivision. Mr. Tingey responded that there would not be a significant impact on this plan and the setbacks required in this area would be sufficient to allow for road expansion. Mr. Evans stated that the School District has been buying some property in the area with plans to some day build a new Junior High School, which would result in increased traffic in the area. He said that there has been talk of widening 5300 South along the north side of the road. Tim Tingey stated currently there no plans to widen 5300 South. Kurtis Aoki asked if that road project would be a UDOT project or Murray City project. Jeff Evans replied that east of State Street, 5300 South is a Murray City road.

Chad Woolley, 347 East 5300 South, Murray, stated that he and his wife are developing the subdivision in partnership with Brian and Mindy Rose. Mr. Woolley confirmed that he has reviewed the staff report and is aware of the conditions. He stated that he will comply with staff recommendations, and has met with staff on a number of occasions. He said that one of the reasons he is subdividing the property is so that he can stay in the same area but build a bigger home for his family. Mr. Woolley stated that he has talked to a number of people about future plans for 5300 South but has been told that expansion wouldn't take place for a number of years.

Karen Daniels asked about the layout of lots in the subdivision. Mr. Woolley reviewed the addresses of each lot and confirmed that the home at 341 East is the one proposed to be demolished.

Sheri Van Bibber asked if Mr. Woolley has talked with the ditch company. He responded that he hasn't spoken with them, but that he is planning to pipe the ditch through the property. He said that he will work with the ditch company to get approval.

There were no public comments related to this item.

Tim Taylor made a motion to grant preliminary approval for a five lot subdivision at 331, 341 and 347 East 5300 South, subject to conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations.
3. The project shall meet all applicable building code standards.
4. A drainage plan shall be submitted to the City Engineer for review and approval.
5. Ditch company approval is required for the proposed relocation of the ditch.
6. The applicant shall meet all bonding requirements for on-site and off-site improvements.
7. The project shall meet all current fire codes.
8. The plan shall be revised to show a standard intersection instead of the proposed driveway approach at 5300 South.
9. After required changes to the plans have been made, the applicant shall apply for Final Plat review and approval by the Planning Commission.
10. Provide stamped and sealed soils report from geo-technical engineer at time of submittal for building permits.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Sheri Van Bibber  
A Karen Daniels  
A Jeff Evans  
A Jim Harland  
A Tim Taylor  
A Kurtis Aoki

Motion passed, 6-0.

MURRAY PARK OFFICE CONDOS – 154 East Myrtle Avenue, Project #10-127

Ray Christensen reviewed the location and request for a condominium subdivision amendment. He said that the property is located within the C-D-C zone and is in the transition area of the downtown historic overlay district. He stated that the applicant is requesting to subdivide units 201 and 203 into two separate condominium units with separate owners, which requires an amended plat and recording at the Salt Lake County Recorder's office. The wall separating the two units is in place so there is no change to the building or property. Jim Harland asked if this item is being presented for a recommendation to the Mayor. Mr. Christensen confirmed that it is.

Christopher Webb was present to represent Chasebrook Company, 655 East 400 South, Salt Lake City, who is the owner of the building. He confirmed that he has received a copy of the staff report and agrees with the conditions recommended by staff.

There were no comments from the public related to this item.

Kurtis Aoki made a motion to send a recommendation to the Mayor for approval of a condominium subdivision amendment for the property located at 154 East Myrtle Avenue, in the Murray Park Office Condominiums, units 201 and 203, subject to conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
2. The building official noted the structure shall meet requirements of IBC sec. 1004.9. Multiple occupancies shall meet all building and fire codes.
3. The project shall meet all current fire codes.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Sheri Van Bibber  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Jeff Evans  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Kurtis Aoki

Motion passed, 6-0.

DISCOUNT TIRE – 6150, 6180 South Vine Way, Project #10-125

Daniel Wainwright was the applicant present to represent this zone change request. Ray Christensen reviewed the location and request to change the zoning from C-N-C to C-D-C for the purpose of expanding the business to an adjoining property that currently



houses a glass business. He stated that the tire business is currently a legal non-conforming use. He said that the General Plan identifies this property as commercial retail, which is compatible with other properties in this area. Mr. Christensen stated that staff is recommending approval by the Planning Commission for the zone change request to go before the City Council. He said that following the zone change, this applicant will need to return to the Planning Commission for a Conditional Use Permit to operate the tire business.

Daniel Wainwright, 20225 North Scottsdale Road, Scottsdale, Arizona, stated that he is representing Discount Tire in seeking approval of this zone change. He stated that changing the zone would enable significant improvements to the existing store at this location. He said that Discount Tire is the largest independent tire retailer in the United States and has been in business for 50 years. He stated that there are 768 locations in 22 states. Mr. Wainwright stated that the business is limited to retail sale of passenger car and light truck tires and wheels. He said that they do not perform mechanical work or handle any automotive fluids. He stated that the stores are modern, clean and efficient, and that the store at this location opened in 1987. Mr. Wainwright stated that the intent is to acquire the building directly to the north of the store and use the added space to modernize the showroom, add new restrooms that comply with ADA regulations, improve parking, and complete an exterior renovation of the building. He said that all landscaping will be brought into compliance and that he plans to exceed the 10 percent minimum. He stated that he plans to work with UDOT to improve the median between Vine Way and Van Winkle and hopes to install some streetscape trees and shrubs in place of the existing concrete barriers. Mr. Wainwright stated that the business is committed to their customers and the community.

Tim Taylor asked if Mr. Wainwright has talked to UDOT about the barriers. He responded that there have been some discussions over the past few years, but the representative that he was working with has retired and he now has to start discussions with someone new. Kurtis Aoki asked if the landscape to the north will be extended. Mr. Wainwright stated that he is proposing a concrete curb and gutter with landscaping and irrigation to improve the appearance along the property. Mr. Aoki asked where parking will be located. Mr. Wainwright responded that his proposal will be to remove part of the glass building to allow circulation of traffic around the building and enough space for a fire lane behind both structures. Mr. Harland stated that these issues will be addressed at the time that an application is submitted for a Conditional Use Permit. Ms. Van Bibber commended the longevity of the store at this location.

There were no comments from the public related to this item.

Sheri Van Bibber made a motion to send a positive recommendation to the City Council for a zone change from C-N-C to C-D-C for the properties addressed 6150 and 6180 South Vine Way. Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Sheri Van Bibber

A \_\_\_\_\_ Karen Daniels

A \_\_\_\_\_ Jeff Evans

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Kurtis Aoki

Motion passed, 6-0.

FIREARMS TEXT AMENDMENT, Project #10-123

Greg Bean was the applicant present to represent this request. Tim Tingey reviewed the application for an ordinance text amendment to add firearms manufacturing as a conditional use in the M-G-C zone. He said that the applicant has an existing machine shop and would like to manufacture small arms. He stated that in the Standard Land Use Code, there is a category under Ordinance and Accessories related to the manufacturing of small arms, but this use is currently not allowed by the City ordinances. Mr. Tingey stated that the original intent of excluding this use was likely related to safety issues, especially within manufacturing areas that are adjacent to residential areas. He said that staff has met with the applicant, and is proposing a new category for the Standard Land Use Code, number 3415.1, that would be Small Arms, Parts Only, with no manufacturing of finished firearms on site, to be allowed in the M-G-C zone with a Conditional Use Permit. Mr. Tingey stated that the proposed amendment will allow for expansion of business and still meet the goals and objectives of the General Plan, and that this type of use will not affect the life, health or safety of adjacent residential areas. He said that this staff is recommending that the Planning Commission forward a recommendation of approval to the City Council for this text amendment.

Tim Taylor asked if this will be the only category included for Conditional Use Permits, and wanted clarification that the entire 3410 category would not be included. Mr. Tingey responded that this will only apply to category 3415.1 and nothing more. Jeff Evans asked if the description of 3415.1 will be the same as that in the staff report. Mr. Tingey replied that it will be the same.

There were no public comments related to this item.

Jeff Evans asked about public notification of this item. Tim Tingey replied that because this is a zoning ordinance change, the issue has been noticed per state and city requirements.

Tim Taylor made a motion to forward a recommendation of approval to the City Council for an amendment to the zoning ordinance to include provisions for a new Land Use category 3415.1, which will be a conditional use in the M-G-C zoning district. Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Sheri Van Bibber

A \_\_\_\_\_ Karen Daniels

N \_\_\_\_\_ Jeff Evans

A \_\_\_\_\_ Jim Harland

A \_\_\_\_\_ Tim Taylor

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A Kurtis Aoki

Motion passed, 5-1.

Jim Harland stated that the next meeting is scheduled for April 15, 2010, and Ms. Van Bibber will be conducting as he will be out of town.

Meeting adjourned.

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Tim Tingey  
Community & Economic Development Director